



CITY OF PHILADELPHIA

LAW DEPARTMENT
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November 27, 2019

VIA ELECTRONIC MAIL

Adrian Salzberg
Muckrock
81995-38715541@requests.muckrock.com

Re: Salzberg 6054

Dear Mr. Salzberg:

Thank you for writing to the City of Philadelphia (the “City”) Office of the City Commissioners (“OCC”) with your request for information. At the outset, please be advised that requests for records to state and local agencies in Pennsylvania are generally governed by the Pennsylvania Right To Know Law, 65 P.S. 67.101, *et seq.* (the “Act”).

On October 22, 2019, the OCC received your Right To Know Request seeking, “Any and all records from January 1, 2019, to the date this request is processed, concerning election complaints forwarded to the county from the Pennsylvania Department of State.”

Per correspondence sent to you on October 29, 2019, please be advised that written requests for records to state and local agencies in Pennsylvania are generally governed by the Commonwealth’s Right to Know Law (the “Act”), 65 P.S. §67.101-67.3104. In accordance with the Act, the City has promulgated an Open Records Policy, which requires the standard statewide Right to Know Form be used for the submission of written requests pursuant to the Act (“RTK Requests”). *See* 65 P.S. § 67.504(a); *Dekok v. Lancaster County*, AP 2010-1197, 2011 PA O.O.R.D. LEXIS 25 at *5 and n.1 (Pa. OOR Jan. 17, 2011) (holding that in accordance with the Right to Know Law, an agency may adopt a policy requiring the use of the standard statewide form established by the Office of Open Records in order to file a Right to Know Request); *accord Pennsylvania Gaming Control Board v. OOR*, 48 A.3d 503 (Pa. Commw. 2012). This policy is available online at <http://www.phila.gov/privacy/pdfs/FinalCityOpenRecords.pdf>. To the extent you intended to submit an RTK request, your request is denied as you have not complied with the City’s Open Records Policy. As your request was not submitted on or with the standard statewide form, the City does not consider your request to be a RTK Request pursuant to the Act and has processed it as an informal request. The City nonetheless referred to the Act for guidance in determining whether records should be released in response to your request. This letter constitutes the final response to your request.

Please be advised there were no complaints submitted to the OCC from the Pennsylvania Department of State as of the date of your request. Accordingly, there are no records responsive to your request. It is not a denial of access under the RTKL if the records requested do not exist. *Cf. Jenkins v. Pennsylvania Dep't of State*, O.O.R. Dkt. AP 2009-0065 (Pa. O.O.R. April 2, 2009).

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Respectfully

A handwritten signature in blue ink, appearing to read "Jill Freeman", is positioned above the printed name.

Jill I. Freeman
Deputy City Solicitor

Cc: Nick Custodio, ORO, OCC